

BOARD OF SELECTMEN

Minutes of the Meeting of 12 January 2005 at 7:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Bruce Watts, Michael Glowacki, Robert F. Murphy, Douglas Bennett and Timothy Soverino. Chairman Soverino called the meeting to order at 7:00 PM.

Chairman Soverino presented Assistant Town Administrator Nancy Oliver with a plaque from the Massachusetts Municipal Association (MMA) in recognition of the town placing 2nd in the annual state-wide Town Report contest.

PUBLIC COMMENT

Nantucket resident John McLaughlin expressed concern with regard to his homeowner's insurance policy "being cancelled."

Approval of Payroll Warrant for Week Ending 9 January 2005. Mr. Murphy moved approval; seconded by Mr. Glowacki. So voted.

Approval of Treasury Warrant and Pending Contracts for 12 January 2005. Mr. Watts moved approval; seconded by Mr. Bennett. So voted.

Nantucket Housing Office: Request for Authorization to Submit Notice of Intent in Connection with Second Year of Funding for Housing Rehabilitation Grant with Massachusetts Department of Housing and Community Development. Leedara Zola, representing the Nantucket Housing Office (NHO), noted that NHO was awarded a \$745,000 Small Cities housing rehabilitation grant in 2004 which is currently being used to rehabilitate 25 homes owned by, or rented to, low and moderate income level Nantucket families. Ms. Zola noted a few of the recipients. Ms. Zola continued that the NHO is requesting that the Town apply for a second year of funding and the first step is authorization by the Board of Selectmen to submit a "Notice of Intent" to the Massachusetts Department of Housing and Community Development. Mr. Watts moved authorization; seconded by Mr. Murphy. So voted.

Mr. Glowacki excused himself from the table and left the room, thus abstaining from the following discussion and vote.

Decision Regarding Appeal of Historic District Commission Decisions/Great Harbor Yacht Club. Mr. Watts moved to "annul" Certificates of Appropriateness Nos. 44,237, 44,458, 444,459, 44,460 and 44,581 and remand said Certificates to the Historic District Commission (HDC) for further consideration in accordance with the Decision attached hereto; seconded by Mr. Murphy. Mr. Bennett expressed his opinion why he will vote to remand, citing certain "case law." Mr. Bennett alluded to a court decision which found that a member of a Commission, who had not attended all of the Commission's meetings, voted on the applications, and this "relevant" Massachusetts court decision indicates that the vote of a member of the Commission who misses one or more sessions is "invalid." Sarah Alger, attorney for Great Harbor Yacht Club took exception to Mr. Bennett's interpretation of the case law and a brief dialogue between Ms. Alger and the Board followed. So voted unanimously to remand the matter to the HDC.

Mr. Glowacki returned to the room and took his seat at the table.

Wachovia Securities: Public Hearing to Consider Application for Public Assembly Permit for Annual Clambake and Fireworks at Jetties Beach on June 29, 2005. Chairman Soverino opened the hearing and asked if any individual wished to speak in favor of, or in opposition to the application. There was no response. Mr. Murphy moved to approve a public assembly permit for Wachovia Securities for its annual clambake and fireworks display at Jetties Beach on June 29, 2005; seconded by Mr. Glowacki. So voted.

Nantucket Wine Festival Inc.: Public Hearing to Consider Request for Public Assembly Permit for Annual Wine Festival Scheduled for May 21-22, 2005 at Jetties Beach. Chairman Soverino opened the hearing and asked if any individual was present who wished to speak in favor of, or in opposition to the application. Susan Toner, representing Nantucket Wine Festival Inc., spoke in favor. As no individual was present to speak in opposition, Chairman Soverino closed the hearing. Mr. Murphy moved to approve a public assembly permit for the Nantucket Wine Festival for its annual event scheduled for May 21-22, 2005; seconded by Mr. Watts. So voted.

Public Hearing, pursuant to Massachusetts General Law Chapter 130, §57 to Consider Application for Private Shellfish Grant/Jamie Marks. Marine Superintendent Dave Fronzuto explained that the Board had approved a license for Mr. Marks on March 5, 2004; however, the site approved was found unacceptable by the Department of Marine Fisheries. Mr. Fronzuto continued that Mr. Marks has subsequently located an alternate three acre parcel located in a portion of Coskata Pond which has been conditionally approved for aquaculture use by both the Town and the State. Mr. Watts moved to approve the application; seconded by Mr. Bennett. So voted. Nantucket resident Rob Garrison presented a publication to Mr. Fronzuto entitled "Best Management Practices" and recommended that copies be provided to all individuals who possess aquaculture licenses.

Liquor Licensee: Request for Change of Manager/The Wauwinet Inn. Mr. Murphy moved to approve a change of manager for the Wauwinet Inn from William Landt to Bettina Landt; seconded by Mr. Bennett. So voted.

Liquor Licensee: Request for Change of Manager/The Jared Coffin House. Mr. Murphy moved to approve a change of manager for the Jared Coffin House from John Cowden to William Landt; seconded by Mr. Watts. So voted.

Town Administrator's Report. Town Administrator Libby Gibson reported that Our Island Home (OIH) is to receive \$959,920 as a "one time" reimbursement from an "intergovernmental transfer account" (Public Nursing Facilities). Ms. Gibson continued that the town must send half of this amount to the state, but the balance of the money will be used for resident care expense, thus freeing up approximately \$475,000 the town would have to subsidize OIH this year. She added that this amount will be offset by other expenses and/or revenue shortfalls within the General Fund.

Selectmen's Comments. Mr. Bennett noted that he met with "Red Sox" officials this past weekend with regard to bringing the World Series trophy to the Island for viewing. Mr. Bennett said the Red Sox organization needs some additional information and Ms. Gibson was asked to provide the appropriate information needed.

There being no further business before the Board, the meeting was unanimously adjourned at 7:40 PM.

Approved the 31st day of January 2005.